

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TOM FOLEY,

Plaintiff,

v.

Civil Action No. 3:14cv599

**ELLEY LAW OFFICE,
and
RICHARD D. ELLEY,**

Defendants.

REQUEST FOR ENTRY OF DEFAULT

Come now the Plaintiff, by counsel, and request the Clerk to enter default against Defendants Elley Law Office and Richard D. Elley, pursuant to Fed.R.Civ.P. 55(b)(2), and in support of his motion states the following:

1. Defendants Elley Law Office and Richard D. Elley have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.
2. Plaintiff requests that the Clerk enter these Defendants' default pursuant to Fed.R.Civ.P. 55(a).
3. As set forth in the attached Affidavit of the undersigned counsel,
 - a. Defendants are neither infants, nor incompetent.
 - b. Upon information and belief, Defendants are not in the military.
 - c. Defendants Elley Law Office and Richard D. Elley were served through the Secretary of the Commonwealth on September 18, 2014.
4. The time for a response has run and Defendants Elley Law Office and Richard D. Elley have not filed an Answer or other responsive pleading.

5. Upon entry of default, Plaintiff will apply to the Court for a default judgment against Defendants Elley Law Office and Richard D. Elley, as provided by Fed.R.Civ.P. 55(b)(2).

WHEREFORE, Plaintiff requests that the Clerk enter default against Defendants Elley Law Office and Richard D. Elley, pursuant to Fed.R.Civ.P. 55(a), that the matter remain on the docket to allow Plaintiff to apply to the Court for a default judgment against Defendants Elley Law Office and Richard D. Elley.

Respectfully submitted,
Tom Foley
By Counsel

/s/_____
By: Dale W. Pittman, VSB#15673
Counsel for Tom Foley
THE LAW OFFICE OF DALE W. PITTMAN, P.C.
The Eliza Spotswood House
112-A West Tabb Street
Petersburg, VA 23803
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2014, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I will mail the document by U.S. Mail to the following non-filing user:

Richard Elley, Esquire
ELLEY LAW OFFICE
P.O. Box 6069
Mesa, AZ 85216
Defendants

/s/
By: Dale W. Pittman, VSB#15673
Counsel for Tom Foley
THE LAW OFFICE OF DALE W. PITTMAN, P.C.
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